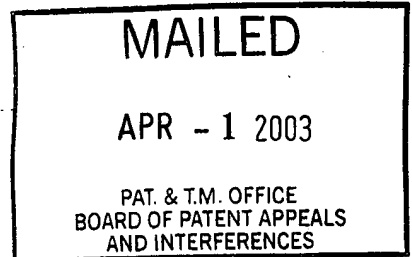


UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte AKIRA SUGIYAMA

Application No. 09/194,051



ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on March 21, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below.

On September 26, 2001, appellant filed an amendment (Paper No. 14). On October 23, 2001, the examiner has indicated in an advisory action (Paper No. 15) that the amendment filed September 26, 2001, would be entered. A review of the file reveals that the amendment was not physically entered. Appropriate correction is required.

Application No. 09/194,051

Also, on October 9, 2002, the examiner filed an examiner's answer (Paper No. 21). There is no clear indication that an appeal conference was held because the examiner's answer contains only the typed names of the conferees. No signature or initialing by the conferees is present. The Manual of Patent Examining Procedures (MPEP) § 1208 states:

On the examiner's answer, below the primary examiner's signature, the word "Conferees:" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

Upon receipt of the appeal case by the Board of Patent Appeals and Interferences (Board), the Board should review the application prior to assigning an appeal number to determine whether an appeal conference has been held.

Accordingly, it is

ORDERED that this application be returned to the examiner for: 1) physical entry of the amendment filed September 26, 2001; 2) indication that an appeal conference was held by following the guidelines set forth in MPEP § 1208; and 3) for such further action as may be appropriate.

Application No. 09/194,051

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of this appeal (i.e. abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS
AND INTERFERENCES

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